

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Nursing Home Administrators hereby amends Chapter 141, "Licensure of Nursing Home Administrators," and Chapter 144, "Discipline for Nursing Home Administrators," Iowa Administrative Code.

These amendments add a definition of a provisional license; clarify that the provisional license shall not count toward the experience required of a practicum preceptor; provide the circumstances under which a provisional license may be obtained; establish the time limits for serving as a provisional administrator; define the provisional license application requirements; and add "provisional license" to the definitions for discipline to be consistent with changes in Iowa Code chapter 155.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 20, 2013, as **ARC 0651C**. A public hearing was held on April 9, 2013, from 10 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, Des Moines, Iowa. No public comments were received. These amendments are identical to those published under Notice.

These amendments are subject to the waiver provisions at 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 155 and 272C.

These amendments will become effective July 31, 2013.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition in rule **645—141.1(155)**:

"Provisional license" means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.

ITEM 2. Amend subparagraph **141.5(1)"e"(2)** as follows:

(2) Shall have at least two years' experience as a licensed nursing home administrator. Any experience as an administrator under a provisional license shall not count toward the required two years; and

ITEM 3. Rescind rule 645—141.6(155) and adopt the following **new** rule in lieu thereof:

645—141.6(155) Provisional license. Under certain limited circumstances, and only upon the filing of an application requesting approval, a provisional license may be issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator. A provisional license is considered a temporary appointment, and the person appointed may serve as an administrator for a period of time not to exceed 12 months in an entire career. The 12 months in service are not required to be consecutive; however, a new application is required for each appointment period. It is the responsibility of the approved provisional administrator to maintain documentation of the actual dates the administrator serves in that capacity.

141.6(1) The limited circumstances under which the request for a provisional appointment shall be granted include the inability of the licensed administrator to perform the administrator's duties, the death of the licensed administrator, or circumstances which prevent the immediate transfer of the licensed administrator's duties to another licensed administrator. A provisional license shall not be issued to a licensed nursing home administrator.

141.6(2) Application for a provisional license shall be in writing on forms prescribed by the board. Application forms may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office. All applications shall be sent to the Board of Nursing Home Administrators, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075. Applicants shall meet the following minimum qualifications:

a. Be at least 18 years of age.

b. Be employed on a full-time basis of no less than 40 hours per week to perform the duties of the nursing home administrator.

c. Be knowledgeable about the nursing home administrator's domains of practice including resident care; human resources; finance; physical environment; and leadership and management.

d. Be without a history of unprofessional conduct or denial of or disciplinary action against a license to practice nursing home administration or any other profession by any lawful licensing authority for reasons outlined in 645—Chapter 144.

e. Provide evidence to establish that the provisional appointment will not exceed the lifetime maximum period of 12 calendar months in duration. For any period in which the applicant previously served as a provisional administrator, written employment verification or a written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.

f. Provide evidence that the provisional appointment complies with the requirements in 481—subrule 58.8(4). A written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.

141.6(3) Applications for an extension of the time period for the provisional appointment within the same facility do not require the payment of an additional fee, as long as all other requirements stated in this rule are met.

141.6(4) The board expressly reserves the right to withdraw approval of a provisional appointment. Withdrawal of approval shall be based on information or circumstances warranting such action. The provisional administrator shall be notified of the withdrawal of approval in writing by certified mail.

ITEM 4. Adopt the following new definition in rule **645—144.1(155)**:

“Provisional license” means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.

[Filed 6/3/13, effective 7/31/13]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/26/13.